

12-1176
File



2-15-82
Encl. Copy for
Case File
Copy to Kirk
9-28-82

OFFICE OF BALTIMORE COUNTY

10000 JEFFERSON MARLBOROUGH 21204

JOHN W. O'ROURKE
COUNCILMAN SEVENTH DISTRICT

10 Dunmanway, P.O. Box 9086
Tundik, Maryland 21222

COUNCIL OFFICE 494-3196
DUNKALK DISTRICT OFFICE 284-0281

XXXXXXXXXXXX
XXXXXXXXXXXX

June 7, 1982

William T. Hackett, Chairman
Board of Appeals
Room 200
32d Court House
Towson, Maryland 21204

Dear Mr. Hackett,

I strongly object to the postponement granted to Dennis Trucking Company, Case # 81-172-1.

Since when do we hold violation cases in the hope that the law will be changed? "If" (and that is a big "If") the standards for paving are changed it would require study by the Planning Staff, Public Hearing by the Planning board, passage by the Planning Board with recommendations to the County Council, a Public Hearing by the Council and then someone to sponsor the legislation for introduction and a work session before a vote. Even if passed, which I doubt, a 45 day period is added before it could be effective.

This whole process could take 6 months to 1 year, and has little or no support at this time anyway.

Please proceed with this hearing as soon as possible. I see no other choice.

Sincerely,

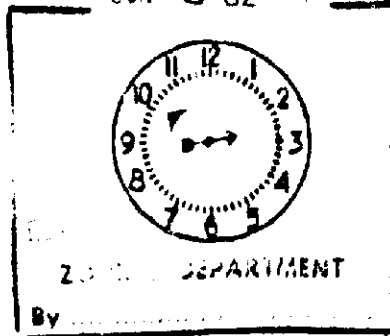
John W. O'Rourke
John W. O'Rourke
Councilman, 7th District

JLO/ms

cc. Mrs. Pearl Gindling
Mr. & Mrs. Frank Bower
John P. Jones, Esq.
Mr. J. P. Jones

Mr. A. E. Hammond
Mr. N. E. Gerber
Mr. T. H. Desautels
Mr. J. P. Jones

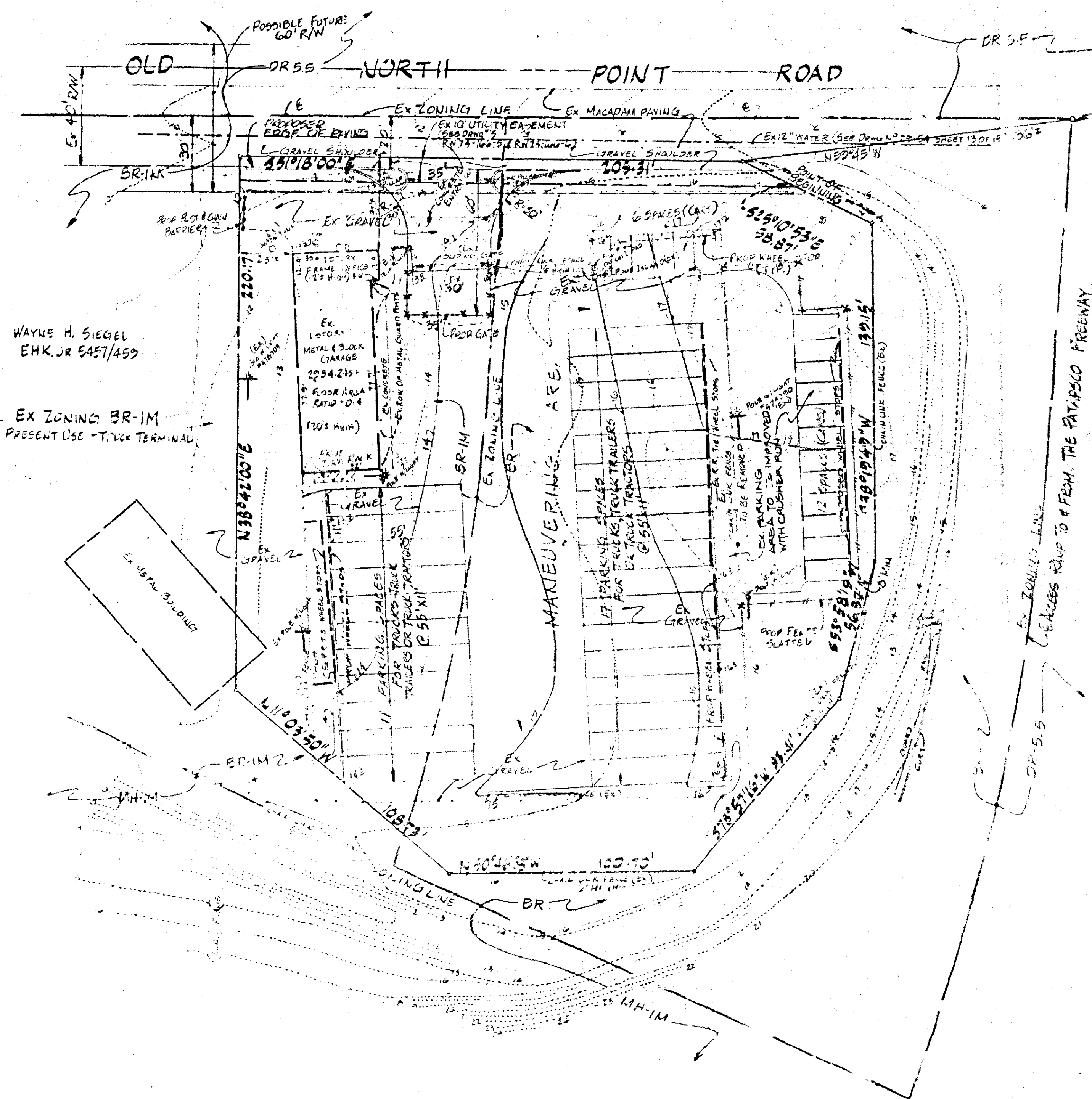
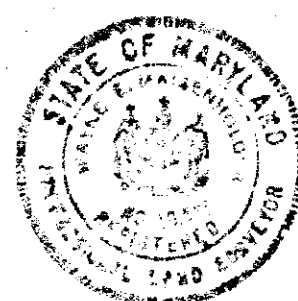
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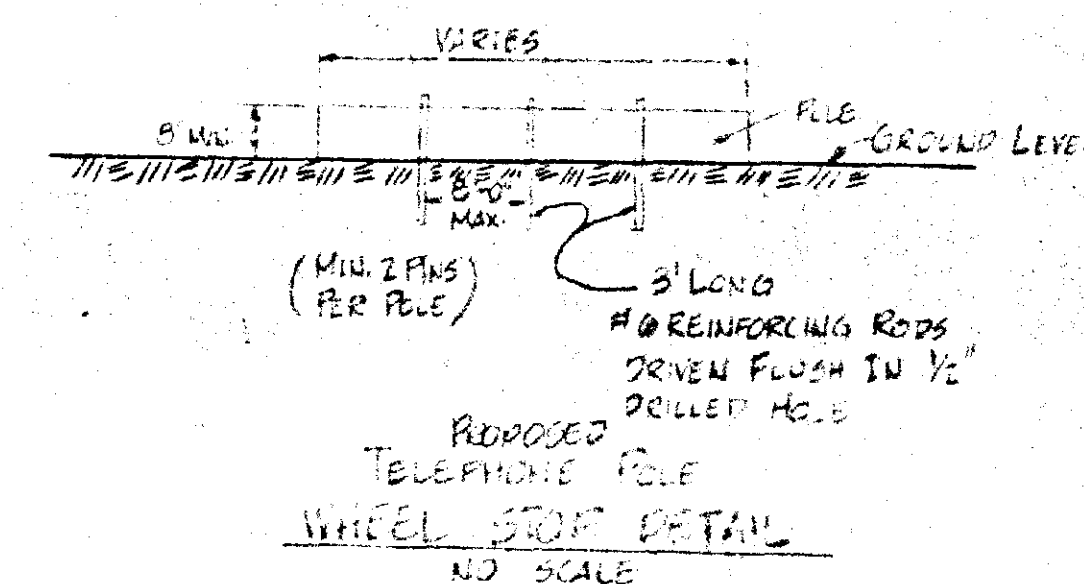
- (7) AREA OF PARCEL 168-021
- (2) EXISTING BUILDING - BRICK & CEMENT CONSTRUCTION AS ACKNOWLEDGED BY ZONING COMMISSION IN THE TRUCKING OPERATIONS WERE EXISTING PRIOR TO 1955.
- (3) PRESENT LOG - TRUCK TERMINAL (CLASS II)
- (4) PROPOSED USE - TRUCK TERMINAL (CLASS II)
- (5) THERE ARE NO NEW BUILDINGS PROPOSED AT THIS TIME
- (6) THE EXISTING BUILDING SHOWS PERSONNEL THE FOLLOWING:
 - A) EXISTING REST ROOM FOR BOTH SEXES
 - B) HOT & COLD WATER AND TELEPHONE SERVICE AVAILABLE FOR TRUCK DRIVERS & OTHER PERSONNEL
 - C) SINKS AND DRAINAGE SYSTEMS
 - D) ELECTRICAL LIGHTING FOR TRUCKS & OVERHALLING ETC.
 - E) STORAGE SPACE FOR TRUCKS, ADDITIONALLY UP TO 10 TRUCK DRIVERS IN LIVING AT VARIOUS TIMES.
 - F) STORAGE OF AUTOMOTIVE PARTS
- (7) SANITARY SEWER IS CURRENTLY OPERATING BY MEANS OF A SEPTIC TANK W/ DRAIN FIELD
- (8) HOURS OF OPERATION - OFFICE STAFF 8 AM. TO 10 PM., TRUCK DRIVERS 24 HOURS (EACH DRIVER PRIVILEGE W/KEY TO GATE), MAXIMUM NUMBER OF TRACTORS & TRAILERS ON SITE 28.
- (9) THERE ARE NO FREE STANDING SIGNS PROPOSED AT THIS TIME
- (10) SCREENING ALONG FRONTAGE OF PROPERTY SHALL BE SLATTED CHAIN LINK FENCE 6 FEET HIGH AND/OR ARBORYVIETAE PLANTED ALONG FRONT OF EXISTING FENCE. ARBORYVIETAE WOULD BE SPACELY PLANTED, 3 FEET 1 1/2 HEIGHT AT TIME OF PLACEMENT & WOULD BE MAINTAINED AT 6 FEET IN HEIGHT AFTER APPROXIMATELY 2 YEARS. SCREENING ALONG EASTERN PROPERTY LINE SHALL BE SLATTED CHAIN LINK FENCE 6 FEET HIGH
- (11) ACCESS STOPS WHERE SHOWN SHALL CONSIST OF LATERAL TELEPHONE POLES AND/OR BUMPER BLOCKS WELL ANCHORED TO CONTAIN VEHICLES WITHIN PAID AREA. (SEE DETAIL)
- (12) THERE ARE NO ADDITIONAL LIGHTS PROPOSED AT THIS TIME.
- (13) THERE WILL BE NO JUNKED VEHICLES STORED ON SITE.
- (14) THE ONLY OUTSIDE STORAGE WILL BE A TRUCK BACK IN THE REAR OF EXISTING BLDG.
- (15) EXISTING ROADWAY RUNS TO PRESENTLY WITHSTANDING LOADS IMPOSED BY FULLY LOADED TRUCKS
- (16) FUTURE SURFACE SITE DRAINS TO NORTHWEST ALONG OLD NORTH POINT RD. AND BY NATURAL SLOPE FLOW TO NORTHWEST 300' TO OUTFALL INTO BACK RIVER.
- (17) IMPROVEMENTS TO THE SHOULDER ALONG OLD NORTH POINT RD. AND ADJUSTMENTS TO THE EXISTING CURBSIDE SHALL BE IN COMPLIANCE TO STATE HIGHWAY ADMINISTRATION SPECIFICATIONS.
- (18) IT IS TO BE NOTED THAT THE PLAN IS HEREBY SUBMITTED TO THE BALTIMORE COUNTY ZONING COMMISSION REQUESTING A SPECIAL PLANNING ON THE PARTIAL REZONING. PENDING A RULING ON THIS PETITION, IT IS NOT FEASIBLE TO PREPARE A SCHEDULE OF COMPLIANCE.

PARKING REQUIREMENTS ARE BASED ON 1 SPACE PER 3000 SF.
OF TOTAL AREA DEVOTED TO PARKING OF TRUCK TRACTORS,
TRUCK TRAILERS OR TRACTOR TRAILER: PER BILL N°18-76
(CLASS II TRUCK TERMINAL)

DEVELOPMENT DESIGN GROUP, LTD
216 WASHINGTON AVENUE
TOWSON, MARYLAND 21204



SCALE: 1"=1,000'



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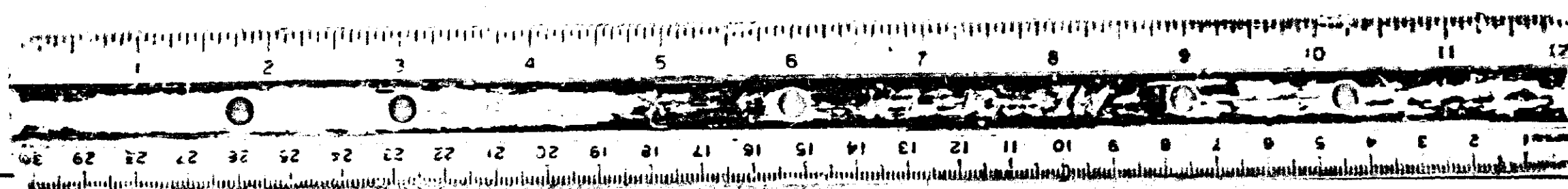
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FEB 27 1968
REVISED PLANS
JEP #8

PLAT TO ACCOMPANY ZONING PETITION FOR
SPECIAL HEARING ON PAYING REQUIREMENTS
W/TAZ VARIATION REQUEST
DENNIS TRUCKING CO
6503 OLD NORTH POINT RD

BALTIMORE CO. MD
CITY "BALTIMORE"
ELECT DIST #15
JUL 26, 1978
REVISED - FEBRUARY 17, 1981

PETITIONER'S
EXHIBIT 1



GENERAL NOTES

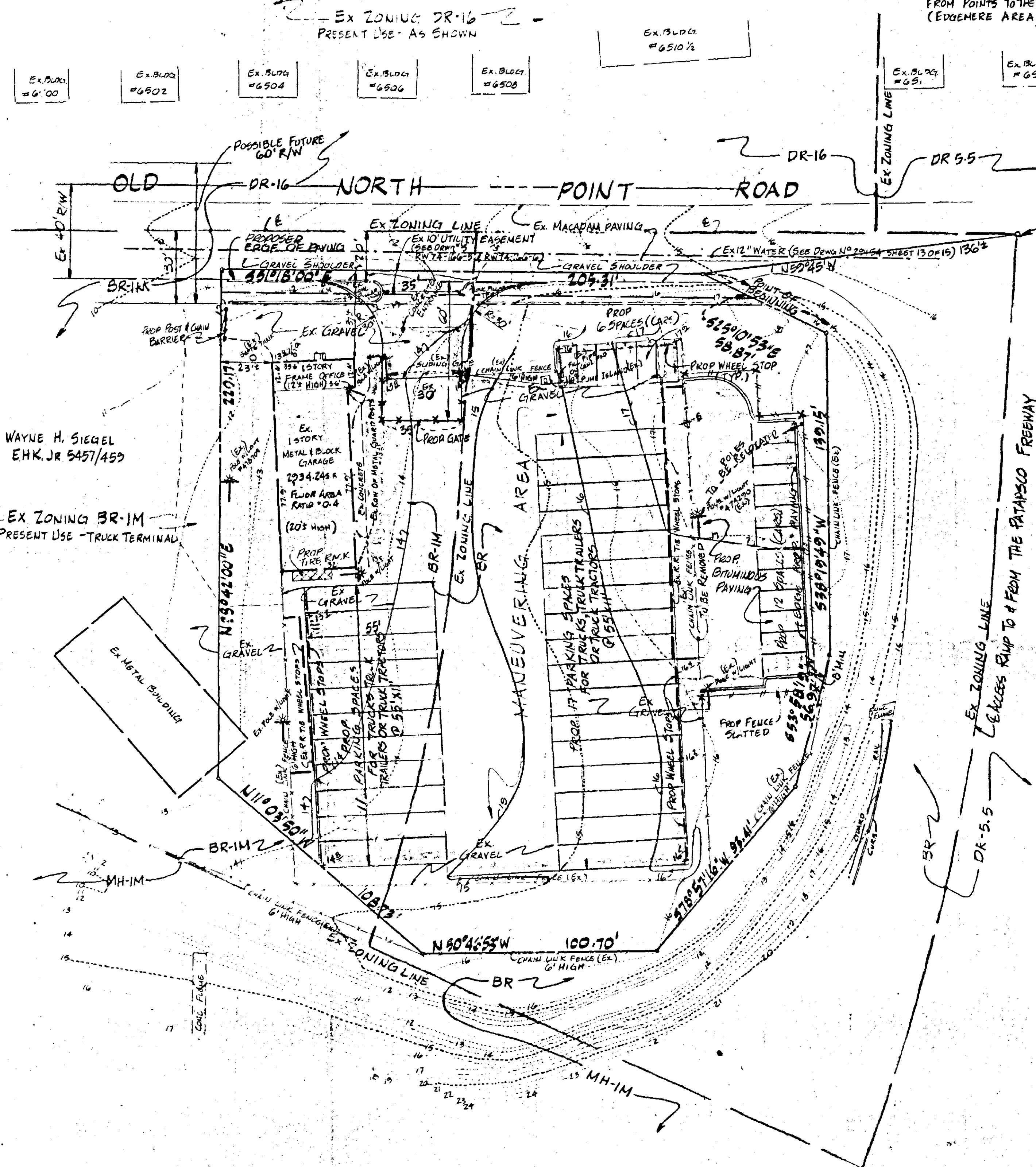
- 1) AREA OF PARCEL 1156 AC
- 2) EXISTING ZONING BR-1M (SUBJECT PROPERTY HAS NON-CONFORMING USE, AS ACKNOWLEDGED BY ZONING COMMISSIONER, IN THAT TRUCKING OPERATIONS WERE EXISTING PRIOR TO 1955).
- 3) PRESENT USE - TRUCK TERMINAL (CLASS II)
- 4) PROPOSED USE - TRUCK TERMINAL (CLASS II)
- 5) THERE ARE NO NEW BUILDINGS PROPOSED AT THIS TIME
- 6) THE EXISTING BUILDING SHOWN HEREON PROVIDES THE FOLLOWING:
 - A) EXISTING REST ROOM FOR BOTH SEXES
 - B) HAS A DRIVER ROOM AND TELEPHONE SERVICE AVAILABLE FOR TRUCK DRIVERS & OTHER PERSONNEL
 - C) SERVES AS DISPATCHING OPERATION
 - D) HAS GARAGE FACILITIES FOR TRUCK REPAIRS, OVERHAULING ETC.
 - E) OFFICE STAFF - 2 EMPLOYEES, ADDITIONALLY UP TO 10 TRUCK DRIVERS IN BUILDING AT VARIOUS TIMES.
 - F) STORAGE OF AUTOMOTIVE PARTS
- 7) SANITARY SEWER IS CURRENTLY OPERATING BY MEANS OF A SEPTIC TANK W/ DRAIN FIELD.
- 8) HOURS OF OPERATION - OFFICE STAFF 8 A.M. TO 10 P.M., TRUCK DRIVERS 24 HOURS (EACH DRIVER PROVIDED W/ KEY TO GATE), MAXIMUM NUMBER OF TRACTOR & TRAILERS ON SITE 25.
- 9) THERE ARE NO FREE STANDING SIGNS PROPOSED AT THIS TIME
- 10) SCREENING ALONG FRONTAGE OF PROPERTY SHALL BE SLATTED CHAIN LINK FENCE 6 FEET HIGH AND/OR ARBOVITAE PLANTED ALONG FRONT OF EXISTING FENCE. ARBOVITAE WOULD BE PENGELY PLANTED, 3 FEET IN HEIGHT AT TIME OF PLACEMENT & WOULD BE MAINTAINED AT 6 FEET IN HEIGHT AFTER APPROXIMATELY 2 YEARS. SCREENING ALONG EASTERLY PROPERTY LINE SHALL BE SLATTED CHAIN LINK FENCE 6 FEET HIGH
- 11) WHEEL STOPS WHERE SHOWN SHALL CONSIST OF LATERAL TELEPHONE POLES AND/OR BUMPER BLOCKS WELL ANCHORED TO CONTAIN VEHICLES WITHIN PAVED AREA. (SEE DETAIL)
- 12) THERE ARE NO ADDITIONAL LIGHTS PROPOSED AT THIS TIME.
- 13) THERE WILL BE NO JUNKED VEHICLES STORED ON SITE.
- 14) THE ONLY OUTSIDE STORAGE WILL BE A TIRE RACK IN THE REAR OF EXISTING BLDG.
- 15) EX GRAVEL AND GRASS PAVING IS PRESENTLY WITHSTANDING LOADS IMPOSED BY FULLY LOADED TRUCKS
- 16) DRAINAGE - SUBJECT SITE DRAINS TO NORTHWEST ALONG OLD NORTH POINT RD. AND BY NATURAL SHEET FLOW TO NORTHWEST 300'± TO OUTFALL INTO BACK RIVER.
- 17) IMPROVEMENTS TO THE SHOULDER ALONG OLD NORTH POINT RD. AND ADJUSTMENTS TO THE EXISTING ENTRANCE, SHALL BE IN COMPLIANCE TO STATE HIGHWAY ADMINISTRATION SPECIFICATIONS.
- 18) IT IS TO BE NOTED THAT THIS PLAN IS HEREBY SUBMITTED TO THE BALTIMORE COUNTY ZONING COMMISSIONER REQUESTING A SPECIAL HEARING ON THE PAVING REQUIREMENTS. PENDING A RULING ON THIS PETITION, IT IS NOT FEASIBLE TO PREPARE A SCHEDULE OF COMPLIANCE.

PARKING TABULATION

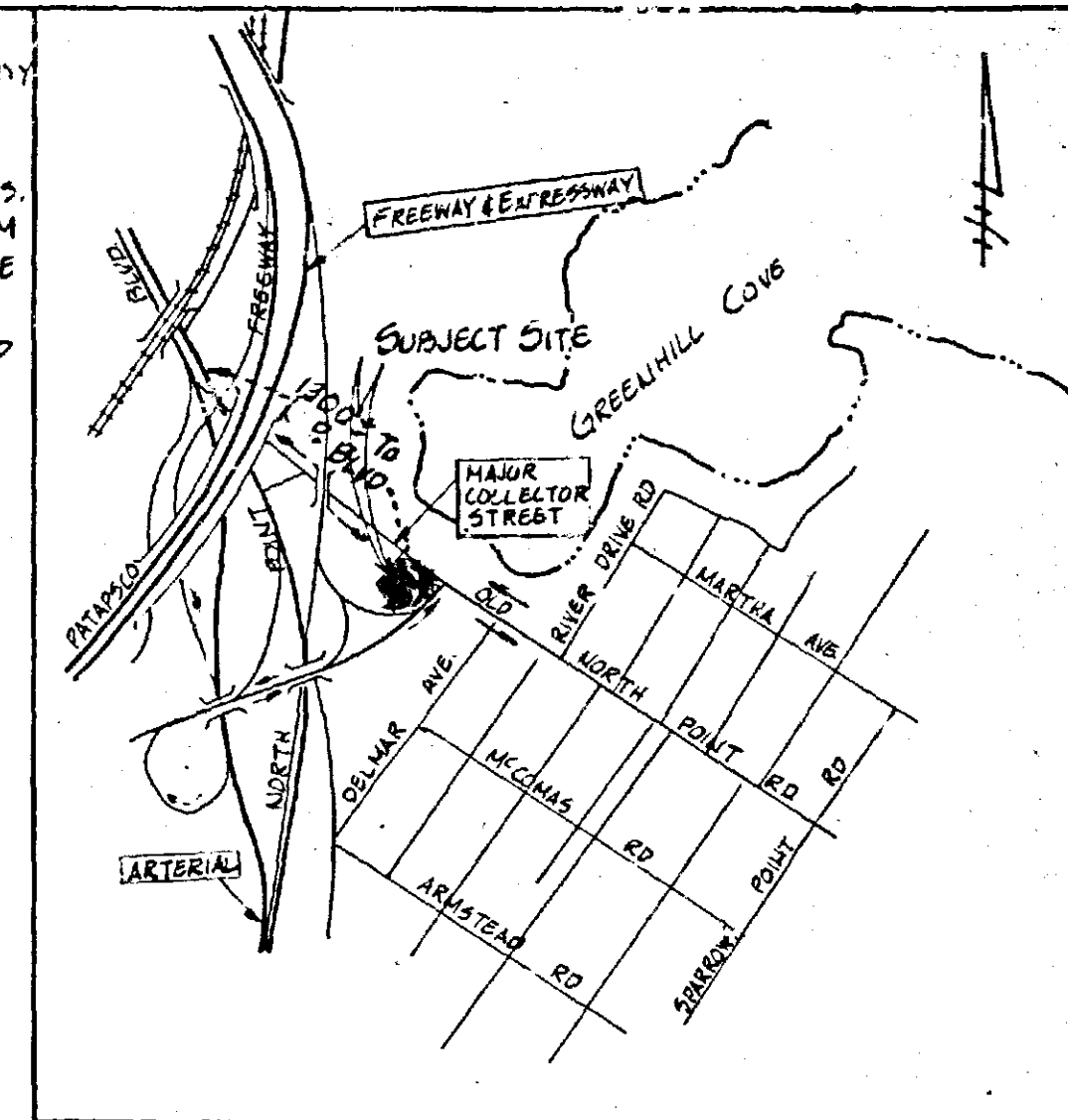
PARKING REQUIREMENTS ARE BASED ON 1 SPACE PER 3000 SF. OF TOTAL AREA DEVOTED TO PARKING OF TRUCK TRACTORS, TRUCK TRAILERS OR TRACTOR TRAILERS PER BILL NO 10-76 (CLASS II TRUCK TERMINAL)

TOTAL PARKING AREA = 16340 SF. = 3,000 SF. = 6 SPACES REQUIRED (CARS)
TOTAL PARKING PROVIDED = 13 SPACES (CARS)

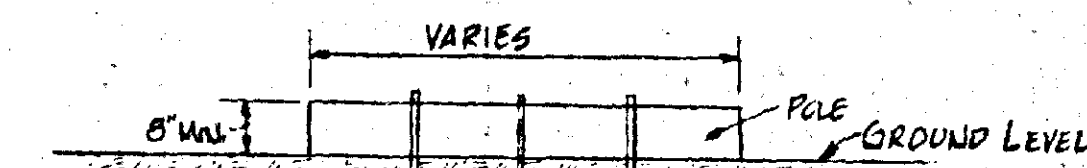
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVE.
TOWSON MARYLAND



NOTE: ARROWS (→) INDICATED ON VICINITY MAP SHOW TRUCK ROUTES CURRENTLY BEING UTILIZED BY SUBJECT SITE FOR ALL INCOMING & OUTGOING TRUCKS, I.E. OLD NORTH POINT RD. TO AND FROM NORTH POINT BLVD. TO AND FROM THE PATAPSCO FREEWAY, TO AND FROM THE SPARROWS POINT COMPLEX AND TO AND FROM POINTS TO THE SOUTHEAST (EDGEHURST AREA)



VICINITY MAP
SCALE: 1"=1,000'

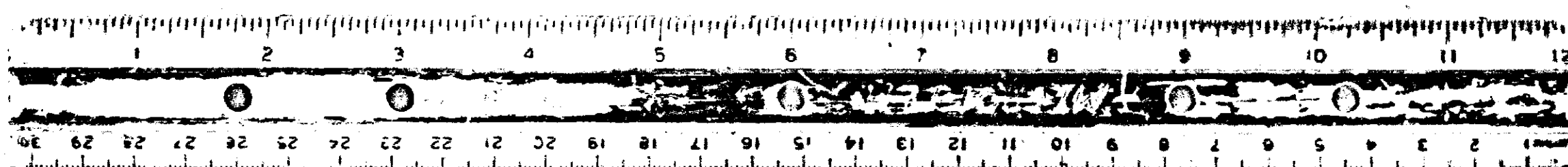


NOTE:
THE OUTLINE SHOWN HEREON HAS BEEN COMPILED BY MEANS OF DEEDS AND RECORDS AND DOES NOT REPRESENT A FIELD SURVEY. ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE CO. METROPOLITAN DISTRICT DATUM.
EXISTING GROUND SHOWN THUS 113
FINISHED GRADE SHOWN THUS 122
CONTOUR INTERVAL ONE FOOT
GRADES SHOWN HEREON ARE SUBJECT TO ADJUSTMENTS PENDING DETERMINATION OF PAVING REQUIRED.

VARIANCE REQUESTED TO SECTION 410A.3.B.6 OF ORDINANCE 15-76 TO PERMIT A DURABLE DUST FREE SURFACE, PROPERLY DRAINED IN LIEU OF THE REQUIRED PAVING AS ADOPTED BY THE C.T.F.D.C. IN SECTION 504.1(X.2) OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING ON PAVING REQUIREMENTS WITH VARIANCE REQUEST
DENNIS TRUCKING CO.
6503 OLD NORTH POINT RD.
BALTIMORE CO., MD
ELECT DAT #15
SCALE: 1"=30'
JUNE 26, 1978

John J. Stephens
6-25-78
DATE



8-172-A 9 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Edward J. McNichol & Dennis J. McNichol, Jr.,
I or we, Co-Partners trading as Co-Partners Trading as legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

hereby petition for a Variance from Section 410 A.3.6 (IX.A of CMOP) to permit all parking, loading and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing bituminous or concrete surface.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) An extreme economic hardship (cost involved) would be incurred in the design and construction of paving capable of withstanding loads of 73,280 lbs.
- 2) The maintenance of the paving required by said Sections would be costly and time consuming as dead-wheel settlement and deterioration due to turning movements will occur on virtually any surface. Maintenance of the existing surface is neither too costly nor time consuming.
- 3) The existing surface, if maintained, (which it will be) will cause no hardship, nuisance or irritation to any neighboring property owner or the public.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address: 102 W. Pennsylvania Avenue
Towson, Maryland 21204

Legal Owner
Address: 102 W. Pennsylvania Avenue
Towson, Maryland 21204

Protestant's Attorney
Address: 102 W. Pennsylvania Ave.
Towson, MD 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day

of February, 1978, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of April, 1978 at 9:45 o'clock

RESCHEDULED TO:
Tuesday, June 16, 1981
at 10:00 A.M.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/S of Old North Point Rd., 136'
NW of Patapsco Freeway Ramp,
15th District : OF BALTIMORE COUNTY

EDWARD J. McNICHOL, et al : Case No. 81-172-A
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of March, 1981, a copy of the foregoing Order was mailed to Carroll S. Klingelhofer, III, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
Mr. W. E. Hammond
Zoning Commissioner

TO: Norman E. Gerber, Director Date: March 23, 1981
FROM: Office of Planning and Zoning
SUBJECT: Petition No. 81-172-A Item 8

Petition for Variance
Southwest side of Old North Point Road, 136 feet Northwest of Patapsco Freeway Ramp
Petitioner- Edward J. McNichol, et al

Fifteenth District

HEARING: Tuesday, April 7, 1981 (9:45 A.M.)

This office is opposed to the granting of the petitioner's request. One of the primary concerns expressed by citizens in the formulation of the portion of the Baltimore County Zoning Regulations governing truck terminals was the dust problems arising from so-called "durable and dustless surfaces".

Norman E. Gerber, Director
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:ab

Carroll S. Klingelhofer, III, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

cc: George W. Stephens, Jr. & Assoc.
303 Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 23rd day of February, 1981.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Edward J. McNichol, et al
Petitioner's Attorney: Carroll S. Klingelhofer, III
Reviewed by: Nicholas B. Commadore
Nicholas B. Commadore
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 27, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commadore
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Carroll S. Klingelhofer, III, Esquire
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: Item No. 8
Petitioner - Edward J. McNichol, et al
Variance Petition

Dear Mr. Klingelhofer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This hearing originates as a result of Bill 18-76, which requires that the maneuvering and parking areas for all trucking facilities be paved with a bituminous or asphalt surface. Originally, this petition was filed in the summer of 1978. However, it was withheld the scheduling of a hearing date until the court case questioning the constitutionality of the Bill was finalized. Since this matter was adjudicated, the petition was scheduled for a hearing.

At the time that the petition was filed, you were advised to file both a Special Hearing and Variance. However, since that time, it has been determined that only the Variance is required and therefore, the Special Hearing was not advertised.

I personally showed the revised plans that were filed to the members of the Committee that had written comments, and they indicated that their comments would remain as submitted.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commadore
NICHOLAS B. COMMADORE, Chairman
Zoning Plans Advisory Committee

NEC:tec

Enclosures

cc: George W. Stephens, Jr. & Associates
303 Allegheny Avenue, Towson, Md. 21204

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THOMAS M. MOURING, P.E.
DIRECTOR

August 28, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #8 (1978-1979)
Property Owner: Edward J. McNichol, et al
S/W of Old North Point Rd. 136' N/W Patapsco Freeway Ramp
Existing Zoning: B.R. & B.R.-I.M.
Proposed Zoning: Variance to permit a durable dustfree surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76. Acres: 1.36 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied January 12, 1978 to Mr. J. Richard Latini, Chairman, C.T.F.D.O.C. in regard to the Site Plan, dated April 18, 1977 are referred to for your consideration.

The Petitioner's request does not conform to the paving requirements of Sub-paragraph 410 A.3.6 of the Baltimore County Zoning Regulations, as amended by Bill No. 18-76 for a Class II Trucking Facility.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #8 (1978-1979).

Very truly yours,

Ellsworth M. Diver, P.E.
ELLSWORTH M. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:TW:rs

cc: R. Latini

Attachment

P-SE Key Sheet
20 SE 31 Pos. Sheet
SE 5 H Topo
111 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Richard Latini Date: January 12, 1978
FROM: Ellsworth M. Diver, P.E.
SUBJECT: Dennis Trucking Company
6503 Old North Point Road
District 15C7

The following comments are furnished in regard to the site plan, dated April 18, 1977, submitted to this office for review by the C.T.F.D.O.C.:

North Point - Sparrows Point Boulevard Inter-change and Old North Point Road are State Roads; therefore, all improvements, intersections, entrances and drainage requirements as they affect the roads come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The entrance locations are also subject to approval by the Department of Traffic Engineering and shall be a minimum of 35 feet in width with 33-foot radius curb returns. All entrance gates shall be set back a minimum distance of 60 feet from the future proposed curb so that an entering tractor-trailer unit does not project into the public roadway while awaiting the opening of the gates. All gates should either swing into the site or slide parallel with the public roadway.

A detail indicating the dimensions and method of anchorage of the proposed truck wheel stops is required to be shown on the site plan. Wheel stops must be placed so that the rear of backing trucks or units will not hit or damage fencing, screening, light posts, etc. Where concrete curb and/or gutter or bituminous concrete curb is to be used as wheel stops, the typical pavement detail may be used to indicate the height and geometrics of the curb and the treatment of the earth buttressing behind the curb.

The site plan does not meet the requirements of sub-paragraph 410 A.3.6 for paving of the site. In accordance with Sec. IX of the Comprehensive Manual of Development Policies, a Paving Certification, signed and sealed by a "registered professional engineer of appropriate qualifications" is required to be shown on the site plan. The site plan must be revised to indicate both the existing and/or proposed typical pavement cross-section and locations of test borings or other means utilized to determine the existing pavement and soil conditions.

Any grading of the site must be accomplished in a manner that does not divert increased surface water flows upon adjacent properties. On-site surface water flows should remain dispersed; however, any concentrated storm water and drainage flows must

be conveyed by paved swales (channels) or by closed conduit. The unimproved portions of the property must be completely stabilized in accordance with "Standards and Specifications for soil erosion and sediment control in development areas" (Published by the U.S. Department of Agriculture and available through the Soil Conservation Service).

The site plan must be revised to indicate any existing or proposed drainage facilities, whether on-site or along Old North Point Road adjacent to the frontage of this property.

The operator/owner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the operator/owner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Since the amount of grading required on this property is minimal, and due to the proximity of this property to tide water, storm water management provisions would be waived in conjunction with the proposed site development.

The subject property is located on the urban side of the Urban-Rural Transition Line and is included in the Baltimore County Water Plan and Sewage Plan, as amended, as an existing area of public water supply and a planned area of sewerage for the 6-10 year planning stage.

Public water supply is available to serve this property from the existing 12-inch water main as shown on the site plan. Fire hydrants exist on the southwest side of Old North Point Road within 350 feet of this property.

Public sanitary sewerage is not available to serve this property at this time. The site plan must be revised to indicate the location of the existing on-site private sewage disposal system.

Further development of this property in the future will require public works improvements in accordance with County policy, prevailing at that time.

Edmund N. Diver, P.E.
EDMUND N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:RMD:ss

22-8 N.E. 200' Scale Aerial Photo
S.E. 5-H " " Topo
"E" S.E. 500' " " Key Sheet
Tax Map No. 111



Maryland Department of Transportation

State Highway Administration

Hermann K. Tittmann
Secretary
M. S. Caltrider
Administrator

July 17, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: Z.A.C. Meeting, July 11, 1978

Attention: Mr. N. Commodari

Dear Mr. Martinak:

It has been our experience that so called durable dustfree surfaces are neither durable nor dustfree. Our main concern is the tracking of stone onto the highway.

We believe that if the petition is granted, the entrance should be paved with bituminous concrete, at least as far into the site as the proposed gate.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:vrd

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 454-3211

LESLIE H. GRAEF
DIRECTOR

August 25, 1978

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #8, Zoning Advisory Committee Meeting, July 11, 1978, are as follows:

Property Owner: Edward J. McNichol, et al
Location: SW/S Old North Point Road 136' NW Patapsco Freeway Ramp
Existing Zoning: B.R. and B.R.-I.M.
Proposed Zoning: Variance to permit a durable dust free surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

Acres: 1.56
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, R.H.
John L. Wimbley
Planner III
Current Planning and Development



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 454-3550

STEPHENE COLLINS
DIRECTOR

July 21, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 8 - ZAC - July 11, 1978
Property Owner: Edward J. McNichol, et al
Location: SW/S Old North Point Rd. 136' NW Patapsco Freeway Ramp
Existing Zoning: B.R. & B.R. - I.M.
Proposed Zoning: Variance to permit a durable dustfree surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acres: 1.56
District: 15th

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested variance to permit a change in surfacing material for the parking lot.

Very truly yours,

Stephen E. Weber
Stephen E. Weber
Engineer I

SEW/hms



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

March 5, 1981

Mr. William E. Hammond
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #8, Zoning Advisory Committee Meeting of July 11, 1978, are as follows:

Property Owner: Edward J. McNichol, et al
Location: SW/S Old North Point Road 136' NW Patapsco Freeway Ramp
Existing Zoning: B.R. & B.R.-I.M.
Proposed Zoning: Variance to permit a durable dustfree surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acres: 1.56
District: 15th

The property owner should have the parking area surfaced with a dustless, bonding material because the location of said property is in the non-attainment area for particulates.

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJF/als

cc: Ron Powell



Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Edward J. McNichol, et al

Location: SW/S Old North Point Rd. 136' NW Patapsco Freeway Ramp

Item No. 8 Zoning Agenda Meeting of 07/11/78

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (x) 7. The Fire Prevention Bureau has no comment, at this time.

REVIEWER: *James Kelly* Noted and Approved: *George M. Wagoner*
Planning Group Fire Prevention Bureau
Special Inspection Division



Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 454-3610

JOHN D. SEVFFERT
DIRECTOR

August 15, 1978

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 8 Zoning Advisory Committee Meeting, July 11, 1978 are as follows:

Property Owner: Edward J. McNichol, et al
Location: S/W/S Old North Point Rd - 136' NW Patapsco Freeway Ramp
Existing Zoning: B.R. & B.R. - I.M.
Proposed Zoning: Variance to permit a durable dustfree surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.
Acres: 1.56
District: 15th

The items checked below are applicable:

- X A. Improvements if required (shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional _____ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- X I. No Comment.
- J. Comment:

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 10, 1978

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: July 11, 1978

RE: Item No: 8
Property Owner: Edward J. McNichol, et al.
Location: SW/S Old North Point Road 136' NW Patapsco Freeway Ramp
Present Zoning: B.R. & B.R.-I.M.
Proposed Zoning: Variance to permit a durable dustfree surface properly drained in lieu of the required paving as required by the C.T.F.D.O.C. and Special Hearing to allow the existing trucking operation to remain without providing the paving as required by County Bill 18-76.

District: 15th
No. Acres: 1.56

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

WNP/bp

JOSEPH M. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
WILLIAM M. BOTTS, JR.

THOMAS M. BOYER
MRS. LORRAINE F. CHIRCUS
ROBERT S. HAYDEN

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.M.

ROBERT T. DUBEL, SUPERINTENDENT

IN THE MATTER OF
THE APPLICATION OF
EDWARD J. McNICHOL, ET AL
FOR A VARIANCE FROM
SEC. 410.A.3.B.6 (IX.A of C.M.D.P.)
On property located on the southwest
side of Old North Point Rd., 136'
northwest of the Patapsco Freeway
Ramp - 15th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 81-172-A

ORDER OF DISMISSAL

Petition of Edward J. McNichol, for Variance from Sec. 410.A.3.B.6 (IX.A of C.M.D.P.) to permit all parking, loading, and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing a bituminous or concrete surface, on property located on the southwest side of Old North Point Rd., 136' northwest of the Patapsco Freeway Ramp, in the 15th Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of appeal filed August 1, 1983 (a copy of which letter is attached hereto and made a part hereof) from the attorney representing the Petitioners in the above entitled matter.

WHEREAS, the said attorney for the said Petitioners requests that the appeal filed on their behalf be dismissed and withdrawn as of August 1, 1983.

IT IS HEREBY ORDERED this 2nd day of August, 1983, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Suder

William T. Hackett

William R. Evans

further stated that to "blacktop" the area would cost approximately \$35,000 to \$40,000 with a lifetime of fifteen to twenty years; whereas "tar and chip", which is maintenance free for three to five years, would cost about \$15,000 with a lifetime of ten years. On cross-examination by Mrs. Pearl Gintling of the North Point Improvement Coordinating Council, this witness acknowledged that the County had terminated its use of tar and chip in highway construction and maintenance, but believes it to be a proper substitute for blacktop for a trucking facility even though the chips may be carried off site in the early stages of use. To substantiate their position that the surface should be macadam (blacktop), the protestants cited the County's change in policy regarding the use of tar and chip because of the nuisance of the chips being carried off site and the safety problems created by loose stones (chips) being propelled into windshields of traveling motorists. In recognition of these problems, the Maryland Department of Transportation, in its comments dated July 17, 1978, stated:

"We believe that if the petition is granted, the entrance should be paved with bituminous concrete, at least as far into the site as the proposed gate."

Petitioner's counsel contends that the standard established by the Planning Board's amendment to the Comprehensive Manual is confusing in its language, to wit, that the paving is to consist of a "bituminous or Portland-cement concrete surface". He contends that the requirements for the paved areas are either a "bituminous" surface or a "Portland-cement concrete" surface and that tar and chips constitutes a bituminous surface in that context. The protestants, however, contend that the requirement is for a "bituminous concrete" surface, met only by macadam paving, or a "Portland-cement" surface. It is this latter contention that would appear to be supported by the above comment from the Maryland Department of Transportation. Although the grammatical structure of the sentence gives substance to each position, the intent appears to become clear when the word "concrete" is determined to be the noun and the

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 873-1000
OF COUNSEL
JOHN L. ASKEW
July 28, 1983

County Board of Appeals
of Baltimore County
Room 200
Court House
Towson, Maryland 21204

Re: Case No. 81-172-A

Dear Sir:

I am writing as counsel for Edward J. McNichol, et al., Petitioner with respect to the above. I have received your notice that hearing has been set for Thursday, August 11, 1983 at 10:00 A.M. A copy of such notice is attached hereto.

Please understand that Petitioner, by this letter, hereby voluntarily dismisses subject case. Accordingly, the hearing can be cancelled and I therefore recommend that you notify the Protestants and all other necessary individuals of Petitioner's dismissal.

The decision on the part of Petitioner to dismiss is solely based on the fact that the Baltimore County Planning Board by Resolution dated February 17, 1983 amended paving standards applicable to trucking facilities in such manner as to provide for the type of paving Petitioner intended to request at hearing. Such action by the Planning Board obviously renders Petitioner's further pursuit of the case unnecessary.

Thanking you for your kind attention to this matter,
I am

Very truly yours,

C. S. Klingelhofer III

CSKIII/ad
Enclosure

words "bituminous" and "Portland-cement" to be descriptive adjectives; otherwise, "surface" would be the noun and "bituminous" would be a descriptive adjective, but then the word "concrete" would be a redundant descriptive adjective since it was preceded by the words "Portland-cement". Therefore, having concluded that the required paving is either a "bituminous concrete surface" or a "Portland-cement surface", the next question is whether or not a variance can be granted to the paving requirements.

Section 307 of the zoning regulations vests in the Zoning Commissioner "...the power to grant variances from height and area regulations, from off-street parking regulations...only in cases where strict compliance with the Zoning Regulations...would result in practical difficulty or unreasonable hardship...only if in strict harmony with the spirit and intent...and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare."

The only possible argument favoring the conclusion that a variance to the paving requirements could be granted under Section 307 would be to conclude that the trucking facility paving requirements are off street parking requirements. To make this conclusion would require the insertion of the language used in Section 409.2.c.2, to wit, a durable, dustless surface in lieu of the standard established by the Planning Board in its adoption of the aforementioned amendment to the Comprehensive Manual. Therefore, it must be concluded not only that the delegation of authority to determine the criteria for paving of the parking, loading, and maneuvering areas by the County Council to the Planning Board was proper, but also that the exercise thereof mandated the standards to be applied. To now change the standard by a quasi-judicial determination taking the form of a variance would not be in keeping with the spirit and intent of the zoning regulations. The proper procedure would be to seek a change in the standard established by the Planning Board by amending the Comprehensive Manual.

RE: PETITION FOR VARIANCE
SW/S of Old North Point Road, 136'
NW of the Patapsco Freeway Ramp -
15th Election District
Edward J. McNichol, et al -
Petitioners
NO. 81-172-A (Item No. 8)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

The herein petitioner seeks relief from the requirements of the trucking facility legislation (Bill No. 18-76) by requesting a variance to permit all parking, loading, and maneuvering areas to consist of a durable, dust-free surface (Section 409.2.c(2) of the Baltimore County Zoning Regulations) in lieu of providing a bituminous or concrete surface in the specific areas shown on the site plan prepared by Development Design Group, Ltd., revised February 17, 1981, and marked Petitioners' Exhibit 1.

Mr. Dennis J. McNichol, Jr., President of Dennis Trucking Company, testified that his company has operated its trucking operation at this location since 1951-52, which predates the trucking facility legislation. In view of this testimony, both Sections 410.1.B.1 and 410A.1.B.1, regarding Class I and II trucking facilities existing as nonconforming uses, require the Zoning Commissioner to review the site plans and "...issue a ruling whether or not the facility conforms with the provisions listed in Subparagraph 2..." (Sections 410.1.B.2 and 410A.1.B.2), in this instance Subparagraphs 410.3.B.7 and 410A.3.B.6 (paving and curbing). The Court of Special Appeals upheld the constitutionality of the trucking facility legislation in its decision rendered July 9, 1980, in the case of Corkran vs. Zoning Commissioner of Baltimore County, No. 1631, September Term, 1979; therefore, this Petition for Variance becomes germane to seeking relief from the requirements of the legislation.

Subparagraphs 410.3.B.7 and 410A.3.B.6 both set forth in identical language the following:

"All parking, loading, and maneuvering areas must be paved in accordance with adopted design provisions (as

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of November, 1981, that the herein Petition for Variance to permit all parking, loading, and maneuvering areas for the existing trucking facility to consist of a durable, dust-free surface in lieu of providing a bituminous or concrete surface be and the same is hereby DENIED.

William E. Hammond
Zoning Commissioner of
Baltimore County

defined in Section 101), formulated after consultation with and recommendation by the County trucking facilities-development officials."

Section 101 defines "Design provisions, adopted" as:

"Design provisions adopted by the Planning Board under the authority of Subsection 504.1 of these regulations."

In response, the Baltimore County Planning Board introduced and adopted a resolution during its meeting on May 20, 1976, amending the Comprehensive Manual of Development Policies, Section IX-Miscellaneous Adopted Design Provisions, to provide the following:

"IX.A. Paving standards for parking, loading, and maneuvering areas of trucking-facility sites.

IX.A.2. Standard.

Parking, loading, and maneuvering areas of trucking facilities must be paved with a bituminous or Portland-cement concrete surface over a suitable base, a registered professional engineer of appropriate qualifications certifying that the paving, base, and soil will withstand loads imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds, as rated by the State Motor Vehicle Administration."

The above cited requirements for paving of parking, loading, and maneuvering areas were established in exercise of the legislative delegation and in accordance with the purposes expressed in Sections 410.4 and 410A.4, including but not limited to assuring the improvements "...will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected" and to achieve "...an optimum level of compatibility between such facilities and nearby uses, especially dwellings and institutional uses."

One of the petitioner's witnesses, Mr. Sam Valezano, an employee of General Stone Products (formerly Flintkote), testified he had inspected the site and determined that the paving consisted of crushed stone with oil and slag. In his opinion, this surface would support loads of 75,000 to 80,000 pounds—a weight in excess of that required by the Planning Board's standard. He also indicated his inspection revealed no deterioration of this surface and

- 2 -

November 13, 1981

Carroll S. Klingelhofer, III, Esquire
Suite 600, 102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
SW/S of Old North Point Road, 136'
NW of the Patapsco Freeway Ramp -
15th Election District
Edward J. McNichol, et al -
Petitioners
NO. 81-172-A (Item No. 8)

Dear Mr. Klingelhofer:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/arl

Attachments

cc: Mrs. Pearl Gintling
North Point Peninsula Community
Coordinating Council
7718 North Point Creek Road
Baltimore, Maryland 21219

Mr. & Mrs. Frank Bocek
6510 North Point Road
Baltimore, Maryland 21219

John W. Hessian, III, Esquire
People's Counsel

PETITION FOR VARIANCE
15th District

ZONING: Petition for Variance
LOCATION: Southwest side of Old North Point Road, 136 feet Northwest of Patapsco Freeway Ramp
DATE & TIME: Tuesday, April 7, 1981 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit all parking, loading and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing a bituminous or concrete surface

The Zoning Regulation to be excepted as follows:

Section 410A.3.B.6 - Trucking Facilities
IX.A of CMDP - Paving standards for parking, loading, and maneuvering areas of trucking-facility sites

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Edward J. McNichol, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, April 7, 1981 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR VARIANCE
15th DISTRICT

ZONING: Petition for Variance
LOCATION: Southwest side of Old North Point Road, 136 ft. Northwest of Patapsco Freeway Ramp
DATE & TIME: Tuesday, June 16, 1981 at 10:00 A. M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit all parking, loading and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing a bituminous or concrete surface

The Zoning Regulation to be excepted as follows:

Section 410A.3.B.6 - Trucking Facilities
IX.A of CMDP - Paving standards for parking, loading, and maneuvering areas of trucking-facility sites.

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Edward J. McNichol, et al, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, June 16, 1981 at 10:00 A. M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
ENGINEERS
P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
For Special Hearing on Paving Requirements
With Variance Request
Dennis Trucking Co.
6503 Old North Point Road

June 26, 1978

Beginning for the same at a point on the southwesterly side of Old North Point Road, said point being North 59° 45' West 136 feet more or less from the intersection of the center lines of said Old North Point Road and the access ramp to and from the Patapsco Freeway, running thence leaving said Old North Point Road, the seven following courses, viz: (1) South 25° 10' 53" East 58.87 feet, (2) South 38° 19' 49" West 139.15 feet, (3) South 53° 58' 19" West 56.97 feet, (4) South 78° 57' 16" West 93.41 feet, (5) North 50° 46' 53" West 100.70 feet, (6) North 11° 03' 50" West 108.73 feet, and (7) North 38° 42' 00" East 220.17 feet to the southwesterly side of said Old North Point Road, thence binding along said Road (8) South 51° 18' 00" East 205.21 feet to the place of beginning.

Containing 1.56 acres of land, more or less.



OFFICE COPY

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

AREA CODE 301
673-1600

February 18, 1981

Mr. Nicholas Commodari
Office of the Zoning Commissioner
of Baltimore County
County Office Building
Towson, Maryland 21204

Re: Site Plan for Dennis Trucking Company in connection with Bill No. 18-76

Dear Mr. Commodari:

In accordance with our discussion during the conference in your office on Thursday, February 12, 1981, I am writing to address the matter of the automobile parking (12 spaces, cars) indicated on referenced site plan on the easterly portion of the truck terminal property. This will confirm that said area, on a regular basis, has been used by Dennis for the parking of driver and trucking personnel automobiles. Such described parking has occurred in each year and over the years since the inception of Dennis' operation on Old North Point Road in the early 1950's. The foregoing was verified by recent conversation with Dennis Trucking Company personnel to include the firm's current president.

In view of the facts stated above, it is my understanding that the pending Dennis matter will be handled by a Variance proceeding to be scheduled and that no special hearing will be necessary to review the matter of automobile parking as a separate issue.

If further information or action is needed from Dennis, please do not hesitate to contact me.

Very truly yours,

Carroll S. Klingelhofer, III
Attorney for Dennis Trucking Company

CSKIII:sw

July 23, 1981

Carroll S. Klingelhofer, III, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

RE: Petition for Variance
SW/4 Old North Point Rd., 136' NW of the
Patapsco Freeway Ramp
Edward J. McNichol, et al - Petitioners
Case #81-172-A

Dear Mr. Klingelhofer:

This is to advise that the continued hearing on the above entitled matter has been set for August 4, 1981, and is scheduled to begin at 1:30 P.M.

If there are any questions, please advise.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

December 28, 1981

WILLIAM E. HAMMOND
ZONING COMMISSIONER

Mrs. Pearl Gintling
North Point Peninsula Community
Coordinating Council
7718 North Point Creek Road
Baltimore, MD 21219

RE: Petition for Variance
SW/4 Old North Point Rd., 136' NW of the
Patapsco Freeway Ramp - 15th District
Edward J. McNichol, et al - Petitioners
Case #81-172-A Item 8

Dear Mrs. Gintling:

Please be advised that an appeal dated December 7, 1981 has been filed by Carroll S. Klingelhofer, III, attorney, representing Edward J. McNichol, et al, from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:klr

cc: Mr. and Mrs. Frank Bocek
6510 North Point Road
Baltimore, MD 21219

John W. Hessian, III, Esquire
People's Counsel

DENNIS TRUCKING COMPANY, INC.
LOCAL AND LONG DISTANCE HAULING
SPECIAL COMMODITIES, IRON AND STEEL BUILDING MATERIALS
6881 NORWICH DRIVE
PHILADELPHIA, PA. 19153
215-492-8200



June 28, 1978

Mr. Nicholas B. Commodari
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Dear Mr. Commodari:

The Petition for Zoning Variance filed on 6-27-78 on our behalf by W. Maisenholder with regard to 6503 Old North Point Road was signed on behalf of the undersigned legal owners by our attorney C.S. Klingelhofer, III.

Such signing by Mr. Klingelhofer was done with our approval and pursuant to authority given him by us.

Very truly yours,

D.J. McNichol

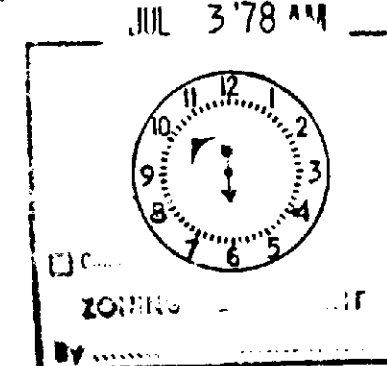
E.J. McNichol

E.J. McNichol

(Co-Partners Trading as

Dennis Trucking Company)

DTT:dld



March 9, 1981

Carroll S. Klingelhofer, III, Esquire
102 W. Pennsylvania Ave
Suite 600
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance - SW/4 Old North Point Road, 136' NW of Patapsco Freeway Ramp - Edward J. McNichol, et al Case No. 81-172-A

TIME: 9:45 A.M.

DATE: Tuesday, April 7, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

WILLIAM E. HAMMOND
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: George William Stephens, Jr. & Assoc. Inc.
P.O. Box 6828
Towson, Maryland 21204

WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 22, 1981

Carroll S. Klingelhofer, III, Esquire
102 West Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

RE: Case #81-172-A Item #8
Petitioner - Edward J. McNichol, et al
Variance Petition

Dear Mr. Klingelhofer:

This is to advise you that \$64.25 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

Carroll S. Klingelhofer, III, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

May 19, 1981

NOTICE OF HEARING

RE: Petition for Variance
SW/4 Old North Point Rd., 136 ft. NW of Patapsco Freeway Ramp
Edward J. McNichol, et al Case #81-272-A

TIME: 10:00 A.M.

DATE: Tuesday, June 16, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

/klr

cc: Development Design Group, Ltd.
216 Washington Avenue
Towson, Maryland 21204

WILLIAM E. HAMMOND
ZONING COMMISSIONER OF
BALTIMORE COUNTY

May 20, 1976 APPENDIX "J" to the minutes of the Baltimore County Planning Board meeting May 20, 1976
RESOLUTION OF THE BALTIMORE COUNTY PLANNING BOARD

TO AMEND

THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES

May 20, 1976

(Approved by Planning Legislation Committee May 13, 1976)

WHEREAS,

The Baltimore County Zoning Regulations, in Subparagraphs 410.3.B.7 and 410A.3.B.6, provide for the promulgation of trucking-facility paving standards under design provisions adopted by the Planning Board pursuant to the authority of Subsection 504.1 of the Regulations, after consultation with and recommendation by the committee known as the County Trucking Facilities Development Officials; and

WHEREAS,

The Planning Board, through the Office of Planning and Zoning, has consulted with the County Trucking Facilities Development Officials, and that committee has recommended such provisions, which have been reviewed by the Board; and

WHEREAS,

The Planning Board finds that those provisions, as revised and set forth herein, are consistent with the purposes of Sections 410 and 410A of the Zoning Regulations, particularly with the purpose to assure that the improvements on the sites of existing and future trucking facilities are of such design, quality, or character that they will not be likely to deteriorate in such a way that a public nuisance would be created or that the public interest would otherwise be adversely affected; and

WHEREAS,

Those provisions, as revised, have been formally submitted, as part of this resolution, to the County Solicitor for review and comment, as provided under Article V of the Rules of Procedure of the Board; this resolution was entered on and appended to the advance tentative agenda for this regular meeting of the Planning Board and is unamended, as provided under Subsection 504.1 of the Zoning Regulations; and the advance tentative agenda was forwarded to the Board members by certified mail, or by courier, seven days before the date of this meeting, and was mailed to members of the press and other interested parties at least seven days before the date of this meeting, as provided under Article II of the Rules of Procedure; now, therefore, pursuant to the authority of Section 504 of the Baltimore County Zoning Regulations, be it

RESOLVED,

By the Baltimore County Planning Board, that the Planning Board's land-use and development policies and zoning resolutions, set forth in the Comprehensive Manual of Development Policies (CMDP), are amended by adding a new section after Section VIII, the new section to read as follows:

SECTION IX

MISCELLANEOUS ADOPTED DESIGN PROVISIONS

IX.A. Paving standards for parking, loading, and maneuvering areas of trucking-facility sites.

IX.A.1. Applicability.

-2-

The provision set forth below is pursuant to Subparagraphs 410.3.B.7 and 410A.3.B.6 of the Baltimore County Zoning Regulations, as amended by Bill No. 18-76, and regulates paving on the sites of both Class I and Class II trucking facilities in the manner provided in the Zoning Regulations.

IX.A.2. Standard.

Parking, loading, and maneuvering areas of trucking facilities must be paved with a bituminous or Portland-cement concrete surface over a suitable base, a registered professional engineer of appropriate qualifications certifying that the paving, base, and soil will withstand loads imposed by fully loaded trucks of a maximum gross weight of 73,280 pounds, as rated by the State Motor Vehicle Administration.

WE HEREBY CERTIFY that we have reviewed the amendments to the Comprehensive Manual of Development Policies set forth in the above resolution.

DATE: May 20, 1976

DATE: May 20, 1976

I HEREBY CERTIFY that the above resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland on May 20, 1976.

DATE: May 24, 1976

William D. Fromm, Director of Planning
Secretary to the Board

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

May 13, 1982

C. S. Klingelhofer, III, Esquire
Royston, Mueller, McLean & Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 81-172-A
Edward J. McNichol, et al

Dear Mr. Klingelhofer:

Replying to your letter of May 13, 1982, the Board will grant your request for postponement of the above entitled case, scheduled for hearing on Tuesday, June 1, 1982, at 10 a.m., based on the statement in your letter that the present paving standard "is currently under review and consideration by the Economic Development Commission and the Office of Planning and Zoning."

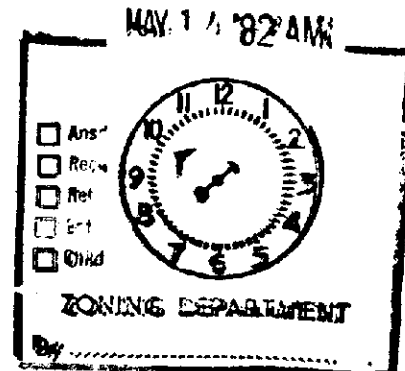
As soon as the Board is apprised of the outcome of their studies, we will then docket your case for hearing.

Very truly yours,

William T. Hockett
William T. Hockett, Chairman

WTH:ee

cc: Mr. Edward J. McNichol
Mrs. Pearl Gintling
Mr. and Mrs. Frank Bocek
John W. Hessian, III, Esq.
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. C. Hoswell
Thomas J. Bollinger, Esq.



ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
1300 923-1800
CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFFER, III
THOMAS F. MCDONOUGH
LAWRENCE F. HANSLIP

May 13, 1982

HAND DELIVERED

County Board of Appeals
Room 219
Court House
Towson, Maryland 21204

Re: Case No. 81-172-A
Edward J. McNichol, et al. (Dennis Trucking Company)
Hearing Scheduled for Tuesday, June 1, 1982,
at 10:00 A.M.

Honorable Board Members:

The undersigned, attorney of record for Petitioner/Appellant, Edward J. McNichol, et al., hereby requests a postponement of the above hearing. Reasons for the requested postponement are as follows:

1. Unavailability on scheduled date of expert witness who testified at the hearing before the Zoning Commissioner and who will testify before the Board of Appeals.
2. Current status of the paving standard with respect to which Petitioner/Appellant previously requested a variance (which request was denied by the Zoning Commissioner)--the applicable paving standard, which your Petitioner/Appellant in good faith believes is unduly harsh and economically burdensome, is currently under review and consideration by the Economic Development Commission and the Office of Planning and Zoning. As the undersigned understands matters, after consultation with the Office of Planning and Zoning, serious inquiry is currently being made into whether or not the existing standard is appropriate. Since significant costs and expenses are involved in Petitioner's case (expert testimony before the Zoning Commissioner and repeated by the Commissioner in his Order revealed that the cost of paving to meet the existing standard would be between \$35,000 and \$40,000), it is fair and proper to grant a postponement pending completion of the Office of Planning and Zoning inquiry. It would be grossly unjust for the hearing to be held, for the Board to rule against Petitioner/Appellant, for the Petitioner/Appellant to incur the substantial

ROYSTON, MUELLER, MCLEAN & REID

-2-

May 13, 1982

paving cost as above and then to have the paving standard changed so that it could be satisfied at far less cost.

The Petitioner/Appellant does not contest the fact that subject trucking facility should be paved; it does contest the harsh standard of paving, currently applicable, in view of the onerous cost involved. Indeed, if the paving standard is changed to a more economically feasible one, Petitioner/Appellant may well dismiss the appeal and comply with such new standard without further proceedings before this Honorable Board.

Based on the foregoing, postponement is requested for a reasonable time and until the above inquiry by the Office of Planning and Zoning is completed.

Very truly yours,

C. S. Klingelhofer, III

CSKIII/ad

cc: Mr. Edward J. McNichol
Mrs. Pearl Gintling
Mr. and Mrs. Frank Bocek
John W. Hessian, Esquire
Mr. James Dyer
Mr. William Hammond
Mr. Norman Gerber
Mr. James Hoswell

RECEIVED
BALTIMORE COUNTY
MAY 13 9 17 AM '82
COUNTY BOARD
OF APPEALS
BY: [Signature]

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

April 2, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-172-A

EDWARD J. McNICHOL, et al

SW/4 Old North Pt. Rd., 136' NW of the
Patapsco Freeway Ramp

15th District

Var.-to permit parking, loading, etc., for
existing trucking facility

11/13/81 - Z.C.'s Order-DENIED variance

TUESDAY, JUNE 1, 1982, at 10 a.m.

ASSIGNED FOR:

cc: Carroll Klingelhofer, III, Esq. Counsel for Petitioner

Edward J. McNichol Petitioner

Mrs. P. Gintling Protestor

Mr. and Mrs. F. Bocek

T. J. Bollinger, Esq. Office of Law

J. Dyer

W. Hammond

N. Gerber

J. Hoswell

June Holmen, Secy.

4/2/82 - Notified the following of hearing set for Tues., June 1st, 1982, at 10 a.m.:

C. Klingelhofer, Esq.
Ed. McNichol
Mrs. P. Gintling
Mr. and Mrs. F. Bocek
J. Hession, Esq.
J. E. Dyer
W. Hammond
N. E. Gerber
J. Hoswell
T. Bollinger

Postponed 5-13-82
See letter

COUNTY COUNCIL OF BALTIMORE COUNTY
COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

JOHN W. O'ROURKE
COUNCILMAN, SEVENTH DISTRICT
10 Dunmanway, P.O. Box 9086
Dundalk, Maryland 21222

COUNCIL OFFICE 494-3180
DUNDALK DISTRICT OFFICE 284-0281
XXXXXXX
XXXXXXX
XXXXXXX

June 7, 1982

William T. Hackett, Chairman
Board of Appeals
Room 200
Old Court House
Towson, Maryland 21204

Edw. J. McNichol, et al

Dear Mr. Hackett,

I strongly object to the postponement granted to Dennis Trucking Company, Case # 81-172-A.

Since when do we hold violation cases in the hope that the law will be changed? "If" (and that is a big "If") the standards for paving are changed it would require study by the Planning Staff, Public Hearing by the Planning Board, passage by the Planning Board with recommendations to the County Council, a Public Hearing by the Council and then someone to sponsor the legislation for introduction and a work session before a vote. Even if passed, which I doubt, a 45 day period is added before it would be effective.

This whole process could take 6 months to 1 year, and has little or no support at this time anyway.

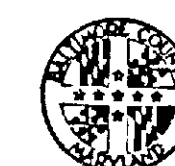
Please proceed with this hearing as soon as possible. I see no other choice.

Sincerely,
John W. O'Rourke
John W. O'Rourke
Councilman, Seventh District

JWO/ms

cc. Mrs. Pearl Gintling
Mr. & Mrs. Frank Bocek
John Hession, Esq.
Mr. J. E. Dyer

Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. G. Hoswell
Thomas J. Bollinger, Esq.



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 19, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 81-172-A EDWARD J. McNICHOL, ET AL

SW/S Old North Pt. Rd., 136' NW of the
Patapsco Freeway Ramp

15th District

Variance-to permit parking, loading, etc.,
for existing trucking facility.

11/13/81 - Z.C.'s Order - DENIED

ASSIGNED FOR: THURSDAY, AUG. 11, 1983, at 10 a.m.

cc: Carroll S. Klingelhofer, III,
Esq. Counsel for Petitioner

Edward J. McNichol Petitioner

Mrs. Pearl Gintling Protestant

Mr. and Mrs. Frank Bocek Protestants

T. J. Bollinger, Esq. Office of Law

J. E. Dyer
W. E. Hammond
N. E. Gerber
J. G. Hoswell

June Holmen, Secretary

7/19/83 - Following notified of hearing set for Thursday, Aug. 11, 1983, at 10 a.m.:

Carroll Klingelhofer
Ed. McNichol
Pearl Gintling
Mr. & Mrs. F. Bocek
Tom Bollinger
J. Dyer
W. Hammond
N. Gerber
J. Hoswell

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
August 2, 1983

Carroll S. Klingelhofer, III, Esq.
Suite 600, 102 W. Pennsylvania Avenue
Towson, Md. 21204

Dear Mr. Klingelhofer: Re: Case No. 81-172-A
Edward J. McNichol, et al

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: Edward J. McNichol
Mrs. Pearl Gintling
Mr. and Mrs. Frank Bocek
T. J. Bollinger, Esq.
J. Dyer
W. Hammond
N. Gerber
J. Hoswell

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 096940

DATE 6/16/81 ACCOUNT 01-662

AMOUNT \$123.82

RECEIVED Carroll S. Klingelhofer, III
FOR: Posting & Advertising of Case #81-172-A

311 240 10 12382

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 11, 1981

Carroll S. Klingelhofer, III, Esquire
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: SW/S Old North Point Rd., 136' NW of Patapsco
Freeway Ramp
Petition for Variance
Edward J. McNichol, et al - Petitioners
Case #81-172-A

Dear Mr. Klingelhofer:

This is to advise you that \$52.57 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

NOTE: \$64.25 from original posting & advertising still remains due.
TOTAL DUE \$123.82

ROYSTON, MUELLER, MCLEAN & REID

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFFER, III
THOMAS F. MCDONOUGH

SUITE 600
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 803-1900

OF COUNSEL
JOHN L. ASKEW

December 7, 1981

HAND-DELIVERED

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: William E. Hammond

Re: Petition for Variance and Order in
respect of same all as indicated on
attached letter of November 13, 1981
incorporated herein and made a part
hereof

Dear Mr. Hammond:

Edward J. McNichol, et al, Petitioners, (address: 6951 Norwitch Drive, Philadelphia, Pennsylvania 19153) hereby file an Appeal from the Order of the Zoning Commissioner of Baltimore County in the captioned matter, said Order being dated November 13, 1981. The Appeal is to the County Board of Appeals.

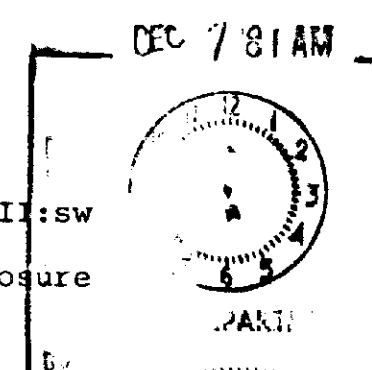
Enclosed please find a check in the amount of \$35.00 made payable to Baltimore County, Maryland, in connection with the filing of subject Appeal.

If for any reason this letter does not constitute the proper filing of an Appeal, kindly contact the undersigned by telephone immediately.

Very truly yours,

Carroll S. Klingelhofer III
Carroll S. Klingelhofer III
Attorney for Petitioners

CSKII:sw
enclosure



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

November 13, 1981

Carroll S. Klingelhofer, III, Esquire
Suite 600, 102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variance
SW/S of Old North Point Road, 136'
NW of the Patapsco Freeway Ramp -
15th Election District
Edward J. McNichol, et al -
Petitioners
NO. 81-172-A (Item No. 8)

Dear Mr. Klingelhofer:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:slr

Attachments:

cc: Mrs. Pearl Gintling
North Point Peninsula Community
Coordinating Council
7718 North Point Creek Road
Baltimore, Maryland 21219

Mr. & Mrs. Frank Bocek
6510 North Point Road
Baltimore, Maryland 21219

John W. Hession, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 102662

DATE Dec. 7, 1981 ACCOUNT 01-662

AMOUNT \$40.00

RECEIVED Carroll S. Klingelhofer, III, Esquire
FROM: Appeal Case No. 81-172-A (Item No. 8)

430 4500 7 40004

VALIDATION OR SIGNATURE OF CASHIER

Petition For
Variance
15th District
Zoning: Petition for
Variance
Location: Southwest side
of Old North Point Road,
136 feet northwest of
Patapasco Freeway ramp.
DATE & TIME: Tuesday,
April 7, 1981 at 9:45 a.m.
Public Hearing: Room
106, County Office
Building, 111 W.
Chesapeake Avenue,
Towson, Maryland.
The Zoning Commission
of Baltimore County
by authority of the
Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:
Petition for Variance to
permit all parking, loading
and maneuvering areas for
existing trucking facilities
to consist of a durable dust
free surface in lieu of
providing a bituminous or
concrete surface.
The Zoning Regulation
is to be accepted as follows:
Section 410A.3.B.6 -
Trucking Facilities
IX.A of CMDF - Paving
standards for parking,
loading, and maneuvering
areas of trucking facilities
are to be accepted as follows:
All that parcel of land in
the Fifteenth District of
Baltimore County,
Beginning for the same
at a point on the
southwest side of Old
North Point Road, said
point being North 59° 45'
West 136 feet more or less
from the intersection of the
center line of said Old
North Point Road and the
access ramp to and from
the Patapasco Freeway,
running thence leaving
said Old North Point Road,
the seven following
courses, viz: (1) south 25°
10' 53" East 58.87 feet, (2)
south 38° 19' 49" West
139.15 feet, (3) south 53°
58' 18" West 58.97 feet, (4)
south 78° 57' 18" West
83.41 feet, (5) north 60°
53' 18" West 100.70 feet, (6)
north 11° 08' 59" West
108.73 feet, and (7) north
88° 42' 00" East 220.17 feet
to the southeasterly side
of said Old North Point
Road, thence binding along
said road (8) south 51° 18'
00" East 205.31 feet to the
place of beginning.
Containing 1.56 acres of
land, more or less.
Being the property of
Edward J. McNichol, et al.
as shown on plus pl. filed
with the Zoning
Department.
Hearing Date: Tuesday,
April 7, 1981,
at 9:45 A.M.
Public Hearing: Room
106, County Office
Building, 111 W.
Chesapeake Avenue,
Towson, Maryland.
BY ORDER OF
William E. Hammond
Zoning Commissioner
of Baltimore County

The Essex Times
Essex, Md., March 19, 1981
This is to Certify, That the annexed
Petition
was inserted in **The Essex Times**, a newspaper
printed and published in Baltimore County, once in
each of one successive
weeks before the 19th day of
March, 1981
Charles Williams Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 095184
DATE March 9, 1981 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED FROM George William Stephens, Jr. & Assoc.
FOR Filing Fee for Case No. 81-172-A
897 DECEMBER 10 250.44
VALIDATION OR SIGNATURE OF CASHIER

Petition For
Variance
15th District
Zoning: Petition for
Variance
LOCATION: Southwest
side of Old North Point
Road, 136 feet northwest
of Patapasco Freeway Ramp
DATE & TIME: Tues
day, June 16, 1981 at 10:00
A.M.
PUBLIC HEARING:
Room 106, County Office
Building, 111 W. Chesapeake
Avenue, Towson,
Maryland.
The Zoning Commission
of Baltimore County
by authority of the
Zoning Act and Regulations
of Baltimore County,
will hold a public hearing:
Petition for Variance to
permit all parking, loading
and maneuvering areas for
existing trucking facilities
to consist of a durable dust
free surface in lieu of providing
a bituminous or concrete
surface.
The Zoning Regulation
is to be accepted as follows:
Section 410A.3.B.6 -
Trucking Facilities
IX.A of CMDF - Paving
standards for parking,
loading, and maneuvering
areas of trucking facilities
are to be accepted as follows:
All that parcel of land in
the Fifteenth District of
Baltimore County,
Beginning for the same
at a point on the southwest
side of Old North Point
Road, said point being
North 59° 45' West 136
feet more or less from
the intersection of the center
line of said Old North
Point Road and the access
ramp to and from the
Patapasco Freeway,
running thence leaving
said Old North Point Road,
the seven following courses,
viz: (1) South 25° 10' 53"
East 58.87 feet, (2) South
38° 19' 49" West 139.15
feet, (3) South 53° 58' 18"
West 58.97 feet, (4) South
78° 57' 18" West 83.41 feet,
(5) North 60° 53' 18" West
100.70 feet, (6) North 11°
08' 59" West 108.73 feet,
and (7) North 88° 42' 00"
East 220.17 feet to the
southeasterly side of said
Old North Point Road,
thence binding along said
road (8) South 51° 18' 00"
East 205.31 feet to the
place of beginning.
Containing 1.56 acres of
land, more or less.
Being the property of
Edward J. McNichol, et al.
as shown on plus pl. filed
with the Zoning Department.
Hearing Date: Tuesday,
June 16, 1981, at 10:00
A.M.
Public Hearing: Room
106, County Office Building,
111 W. Chesapeake
Avenue, Towson,
Maryland.
BY ORDER OF
William E. Hammond
Zoning Commissioner
of Baltimore County

The Essex Times
Essex, Md., May 28, 1981
This is to Certify, That the annexed
Petition
was inserted in **The Essex Times**, a newspaper
printed and published in Baltimore County, once in
each of one successive
weeks before the 28th day of
May, 1981
Charles Williams Publisher.

\$ 30.25

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 4/10/81
Posted for: Board of Appeals
Petitioner: Edward J. McNichol, et al.
Location of property: Sub 13 Old N. Pt. Rd., 136 ft. NW of Patapasco Freeway Ramp
Location of Signs: along intersection of N. Pt. Rd. and Ramp
Remarks:
Posted by Dean Calman Date of return: 4/15/81
Signature

PETITION FOR VARIANCE
15th DISTRICT
ZONING: Petition for Variance
LOCATION: Southwest side of Old North Point Road, 136 feet northwest of Patapasco Freeway Ramp
DATE & TIME: Tuesday, April 7, 1981 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit all parking, loading and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing a bituminous or concrete surface.
The Zoning Regulation to be accepted as follows:
Section 410A.3.B.6 - Trucking Facilities
IX.A of CMDF - Paving standards for parking, loading, and maneuvering areas of trucking facilities are to be accepted as follows:
All that parcel of land in the Fifteenth District of Baltimore County,
Beginning for the same at a point on the southwest side of Old North Point Road, said point being North 59° 45' West 136 feet more or less from the intersection of the center line of said Old North Point Road and the access ramp to and from the Patapasco Freeway, running thence leaving said Old North Point Road, the seven following courses, viz: (1) South 25° 10' 53" East 58.87 feet, (2) South 38° 19' 49" West 139.15 feet, (3) South 53° 58' 18" West 58.97 feet, (4) South 78° 57' 18" West 83.41 feet, (5) North 60° 53' 18" West 100.70 feet, (6) North 11° 08' 59" West 108.73 feet, and (7) North 88° 42' 00" East 220.17 feet to the southeasterly side of said Old North Point Road, thence binding along said road (8) South 51° 18' 00" East 205.31 feet to the place of beginning.
Containing 1.56 acres of land, more or less.
Being the property of Edward J. McNichol, et al. as shown on plus plan filed with the Zoning Department.
Hearing Date: Tuesday, April 7, 1981 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md. 21204.
By Order Of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
March 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 19, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time before the 24th day of April, 1981, the first publication appearing on the 19th day of March, 1981.
THE JEFFERSONIAN
B. Leach Strickland
Manager.
Cost of Advertisement, \$ 26.25

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
ALFA CODE: MJ
B23-1800

February 18, 1981
HAND-DELIVERED
Mr. Nicholas Commodari
Office of the Zoning Commissioner
of Baltimore County
County Office Building
Towson, Maryland 21204
Re: Dennis Trucking Company, Petition for
Zoning Variance
Dear Mr. Commodari:
I am hand-delivering herewith the following:
1. Revised Petition in triplicate.
2. Check in the amount of \$25.00 made payable to Baltimore County, Maryland.
3. Letter to you dated February 18, 1981 regarding site plan and automobile parking.
4. Ten copies of plat/site plan.
It is my understanding that matters are now in order so that a hearing can be scheduled in approximately 6-8 weeks time. If further information and/or action is needed in the interim, please do not hesitate to contact me. I look forward to receiving from you notice of the time and location of the hearing.
Thanking you for your kind cooperation, I am
Very truly yours,
Carroll S. Klingelhofer III
Carroll S. Klingelhofer III
CSKIII:sw
enclosures

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your Petition has been received * this 28 day of
JUNE 1978. Filing Fee \$ 25. Received ☒ Cash
☐ Other
Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner
Petitioner McNICHOL Submitted by KLINGELHOFFER
Petitioner's Attorney KLINGELHOFFER Reviewed by NPCL
* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 3/12/81
Posted for: Board of Appeals
Petitioner: Edward J. McNichol, et al.
Location of property: Sub 13 Old N. Pt. Rd., 136 ft. NW of Patapasco Freeway Ramp
Location of Signs: along intersection of Old N. Pt. Rd. and Patapasco Freeway Ramp
Remarks:
Posted by Dean Calman Date of return:
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 5/13/81
Posted for: Petition for Variance
Petitioner: Edward J. McNichol, et al.
Location of property: Sub 13 Old N. Pt. Rd., 136 ft. NW of Patapasco Freeway Ramp
Location of Signs: along intersection of ramp and N. Pt. Rd.
Remarks: second posting
Posted by Dean Calman Date of return: 6/5/81
Number of Signs: 1

PETITION FOR VARIANCE
15th DISTRICT
ZONING: Petition for Variance
LOCATION: Southwest side of Old North Point Road, 136 feet northwest of Patapasco Freeway Ramp
DATE & TIME: Tuesday, June 16, 1981 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit all parking, loading and maneuvering areas for existing trucking facilities to consist of a durable dust free surface in lieu of providing a bituminous or concrete surface.
The Zoning Regulation to be accepted as follows:
Section 410A.3.B.6 - Trucking Facilities
IX.A of CMDF - Paving standards for parking, loading, and maneuvering areas of trucking facilities are to be accepted as follows:
All that parcel of land in the Fifteenth District of Baltimore County,
Beginning for the same at a point on the southwest side of Old North Point Road, said point being North 59° 45' West 136 feet more or less from the intersection of the center line of said Old North Point Road and the access ramp to and from the Patapasco Freeway, running thence leaving said Old North Point Road, the seven following courses, viz: (1) South 25° 10' 53" East 58.87 feet, (2) South 38° 19' 49" West 139.15 feet, (3) South 53° 58' 18" West 58.97 feet, (4) South 78° 57' 18" West 83.41 feet, (5) North 60° 53' 18" West 100.70 feet, (6) North 11° 08' 59" West 108.73 feet, and (7) North 88° 42' 00" East 220.17 feet to the southeasterly side of said Old North Point Road, thence binding along said road (8) South 51° 18' 00" East 205.31 feet to the place of beginning.
Containing 1.56 acres of land, more or less.
Being the property of Edward J. McNichol, et al. as shown on plus plan filed with the Zoning Department.
Hearing Date: Tuesday, June 16, 1981 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order Of
WILLIAM E. HAMMOND
Zoning Commissioner
of Baltimore County
May 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 28, 1981
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time before the 16th day of June, 1981, the first publication appearing on the 28th day of May, 1981.
THE JEFFERSONIAN
B. Leach Strickland
Manager.
Cost of Advertisement, \$